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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of : **Mail Stop: ISSUE FEE**
Kenji TAGAWA et al. : **Confirmation No. 4661**
Serial No. 09/653,416 : [Group Art Unit 2131
Filed August 31, 2000 : Examiner Christian La Forgia]
DISTRIBUTION SYSTEM, : Attorney Docket No. 2000_1199A
SEMICONDUCTOR MEMORY CARD,
RECEIVING APPARATUS,
COMPUTER-READABLE RECORDING
MEDIUM AND RECEIVING METHOD

THE COMMISSIONER IS AUTHORIZED
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ACCOUNT NO. 23-0975

RESPONSE TO NOTICE OF ALLOWANCE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

A Notice of Allowance dated March 24, 2006 was received in the above-identified application. The Applicants thank the Examiner for kindly allowing the application.

However, the Applicants respectfully submit that the Examiner failed to consider all of the references submitted by the Applicants. In particular, the Applicants note that the Examiner failed to consider reference "AJ" (CN 1174354 A) listed on the February 23, 2006 Form PTO-1449.

In item 3 on page 2 of the Detailed Action attached to the Notice of Allowance, the Examiner asserted the Information Disclosure Statement (IDS) filed on February 23, 2006 is in compliance with the provisions of 37 CFR 1.97. However, in item 4 on page 2 of the Detailed Action, the Examiner then asserted that the IDS filed on February 23, 2006 was not in compliance with 37 CFR 1.98(a)(3) because it does not include a concise explanation of the relevance of reference "AJ" listed on the February 23, 2006 Form PTO-1449.

The Applicants respectfully submit that a concise statement of the relevance of reference “AJ” was indeed provided. In particular, in item 4(f) of the February 23, 2006 IDS, the Applicants stated that U.S. Patent No. 6,092,112 (reference “AA”) corresponds to the CN 1174354 reference.

Under the provisions of MPEP 609(III), the requirement for providing a concise explanation of a reference which is not in the English language is satisfied by submitting an English-language equivalent application if the English-language application is a translation of the foreign reference.

Accordingly, by stating that U.S. Patent No. 6,092,112 corresponds to CN 1174354 in the February 23, 2006 IDS, the Applicants have satisfied the requirement to provide a concise statement of the relevance of CN 1174354 and thus have complied with the provisions of 37 CFR 1.98(a)(3).

Furthermore, under the provisions of MPEP 609(III), the requirement for providing a concise explanation of a reference which is not in the English language is satisfied by submitting an English-language version of a foreign patent office search report that indicates the degree of relevance of each non-English language reference that was found by the foreign patent office.


As noted in item 4(b) of the IDS, the Applicants also submitted an English-language version of a Chinese office action in which the CN 1174354 reference was first cited and the claims of a corresponding foreign application were rejected. Therefore, the Applicants respectfully submit that the English-language version of the Chinese office action indicates the degree of relevance of the CN 1174354 reference found by the Chinese patent office.

Accordingly, in addition to providing an English-language equivalent application of the CN 1174354 reference, the Applicants respectfully submit that the requirement to provide a concise explanation of this reference was satisfied by the submission of the Chinese office action identifying the relevance of this reference.

Therefore, the Applicants respectfully request the Examiner to consider reference "AJ" listed on the February 23, 2006 Form PTO-1449 and to return to the Applicants an Examiner-initialed copy of the February 23, 2006 Form PTO-1449 to indicate consideration of this reference.

Respectfully submitted,

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